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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/319,683 06/09/99 NELSON P 50124/003001

CLARK & ELBING
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BOSTON MA 02110

PM82/0713

EXAMINER

NELSON JR, M

ART UNIT

PAPER NUMBER

3636

DATE MAILED:

07/13/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/319,683

Applicant(s)
Nelson

Examiner
Milton Nelson, Jr.

Group Art Unit
3636



☒ Responsive to communication(s) filed on Jun 9, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire --- month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 2-12 and 20-41 is/are pending in the application.

Of the above, claim(s) --- is/are withdrawn from consideration.

☐ Claim(s) --- is/are allowed.

☐ Claim(s) --- is/are rejected.

☐ Claim(s) --- is/are objected to.

☒ Claims 2-12 and 20-41 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on --- is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on --- is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) ---.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: ---

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). ---

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Embodiment 1, directed to a hinged support system;

Embodiment 2, directed to a bicycle seat with a free rear end; and

Embodiment 3, directed to an inflatable support system.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

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Embodiment 1, claims 2-12 and 20-30;

Embodiment 2, claims 31-33; and

Embodiment 3, claims 34-41.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Embodiment 1 is directed to a support system having a hinge between two support portions and a front portion for independent arcuate movement of the two support portions, at least in a substantially vertical plane. Embodiments 2 and 3 do not include these special technical features.

Embodiment 2 is directed to a bicycle seat having a nose portion and a rear portion with upper and lower surfaces, a mounting rail connected to the lower surface, a cut-out in the nose portion for the rail, and securing means for the rail at the middle of the lower surface such that the rear portion is free of connection. Embodiments 1 and 3 do not include these special technical features.

Embodiment 3 is directed to a support system having an inflatable housing for receiving a fluid wherein movement of a user causes fluid to move from one part of the housing to another changing its form/shape. Embodiments 1 and 2 do not include these special technical features.

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4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37

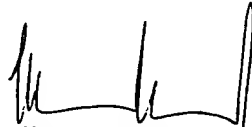
CFR 1.143).

5. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (703) 308-2117. The examiner can normally be reached on Monday-Thursday from 5:30 AM-3:00 PM. The examiner can also be reached on alternate Fridays.

The fax number for this Group is (703) 305-76887.

mn
July 12, 2000


Milton Nelson, Jr.
Primary Examiner